

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE Eastern DISTRICT OF TEXAS
Tyler DIVISIONArtis Armour #326387

Plaintiff's Name and ID Number

Coffield Unit-2661 FM 2054Place of Confinement TENN. Colony, TX 75884Amended ComplaintCASE NO. 6:22-cv-33

(Clerk will assign the number)

v.

David Gutierrez - Chairman Texas Board of Pardons & ParolesDefendant's Name and Address 8610 Shoal Creek Blvd., Austin, TX 78751Ressie Owens - Chairman Texas Board of Pardons & ParolesPaul Keil and Each John & Jane Doe Member of the Board, who voted not to
Defendant's Name and Address release, P.O. Box 20451, Palestine, TX 75802Each Defendant is sued Official & Individual Capacity.Defendant's Name and Address
(DO NOT USE "ET AL.")See Memorandum of Law attached hereto.

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 10-9-2018

2. Parties to previous lawsuit:

Plaintiff(s) Artis Hornsby

Defendant(s) Loire Davis, TACT-Director

3. Court: (If federal, name the district; if state, name the county.) U.S. District Court-Tyler

4. Cause number: 6:18-cv-535

5. Name of judge to whom case was assigned: John D. Love

6. Disposition: (Was the case dismissed, appealed, still pending?) Dismissed With Prejudice

7. Approximate date of disposition: 6-1-2020

II. PLACE OF PRESENT CONFINEMENT: Coffield Unit 2661 FM 2054-Tenn. Colony,
TX 75884

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Artis Honeour #326381
Coffield Unit-2661 FM 2054 - Tenn. Colony, TX 75884

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Ressie Owens - Chairman of TBPP David Gutierrez
At all times relevant to this complaint I more than 20 times has not
afforded me a fair and just parole hearing by refusing to allow me to
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.
review my parole file, and challenge all errors and/or derogatory information
contained therein. See Memorandum of Law.

Defendant #2: David Gutierrez - Chairman of TBPP at all times relevant
to this complaint has not afforded me a fair and just hearing by refusing to
allow me to review my parole file, and challenge all errors and/or
Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.
derogatory information therew. - see Memorandum of Law.

Defendant #3: Paul Keil, Member of TBPP at all times relevant to this complaint
was not afforded me a fair and just parole hearing by refusing to allow me
to review my parole file, and challenge all errors and derogatory information
Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.
therein, and by redacting the parole score from the Minutes sheet.

Defendant #4: Each TBPP-Member John & Jane Doe who voted not to release
and redacted the parole score from the Minutes sheet

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Please see Memorandum of Law for each of these Defendants.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Armour has been denied Equal Protection as those who can afford an attorney to review their parole file.

Armour has been denied Due Process because 20 times he has not been allowed to review his parole file and challenge all false and/or derogatory information contained therein.

Armour has been denied Due Process because he has been repeatedly denied parole for serious Nature of the Offense & Criminal Behavior (further), despite having an exemplary institution disciplinary record, and completing all Rehabilitation Programs available to him. - Continued

Please see the attached page 4 Memorandum of Law

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Armour request a Declaratory Judgment stating the Texas Parole Board Process is unconstitutional in that it fails to allow a Parole a fair and just hearing; and an injunction to grant ~~Armour~~ Armour a hearing with all the Due Process requirements; and Equal Protection Requirements.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

N/A

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

N/A

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/H

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? YES NO

Claims More Definately Stated

Claim-1. Armour has been repeatedly denied the Equal Opportunity as those who can afford an attorney to review their parole file. This act has been done repeatedly by Ressie Owens and David Gutierrez acting under the color of law as Chairman of The Texas Board of Pardons and Paroles at all times relevant to this complaint, by maintaining a parole system that allows its Board members and Commissioners to act arbitrarily and capriciously, in that they fail to comply with the (APA) Administrative Procedures Act and its own guidelines and rules. Said Board members and Commissioners, who are Named on the Minutes-Sheet discriminate invidiously against inmates who are not able to afford an attorney to review their parole file.

Claim-2. Armour has been repeatedly denied Due Process 20 times, in that the Defendants have not allowed him to review his parole file and challenge all false and/or derogatory information contained therein. This act fails to give Armour fair Notice of evidence to be used against him making their denials arbitrary and capricious.

Claim-3. Armour has been denied Due Process 20 times the Boardmembers who voted not to release him fail to disclose his parole score by redacting it from the Minutes-Sheet in violation of its own rules. Thus, making their denials arbitrary and capricious with no evidence that he was a threat to society, and redacting the fact-finders written statement inadequate as to what evidence was used against him.

Claim-4. Armour has been repeatedly denied Due Process, because the Boardmembers who voted not to release him did so with no evidence that he was a threat to society based on the committed offense without considering his exemplary institution record, and his completing all rehabilitation programs available to him.

Claim-5. Armour has repeatedly been denied a fair and just parole hearing, in that he has been denied meaningful participation, denied review of his file, denied disclosure of evidence against by the fact-finders redacting the parole score from the minutes sheet. These acts represent a scheme, which is an ongoing violation of the Federal Civil Rights Statute;

C. Has any court ever warned or notified you that sanctions could be imposed? YES NOD. If your answer is "yes," give the following information for every lawsuit in which a warning was issued.
(If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning was issued: N/A

Executed on: 7-1-22
DATE

Artie Armour
Artie Armour
 (Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 1 day of July, 2022.
(Day) (month) (year)

Artie Armour
Artie Armour
 (Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.